THE CITY OF CLAYTON

Board of Aldermen City Hall – 10 N. Bemiston Avenue May 14, 2013 7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Sanger City Manager Owens City Attorney Heinz

Mayor Sanger asked for any questions or comments relating to the April 23, 2013-1st Meeting minutes, which were previously provided to the Board.

Alderman Garnholz moved to approve the April 23, 2013-1st Meeting. Alderman Maddox-Dallas seconded the motion.

The motion to approve the minutes passed unanimously on a voice vote.

Mayor Sanger stated that the minutes from the April 23, 2013-2nd meeting had some minor corrections and he has provided the City Clerk with a copy of his statement from that meeting to be attached to those minutes as a public record.

Alderman Garnholz moved to approve the April 23, 2013-2nd Meeting minutes as amended. Alderman Maddox-Dallas seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

Mayor Sanger announced that the public hearing process will be slightly changed. In order to streamline the process Mayor Sanger will open and close the public hearings by decree.

PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR A FITNESS/PILATES STUDIO AT 7731 CLAYTON ROAD

Mayor Sanger opened the public hearing.

City Manager Owens reported that this is a public hearing and resolution to consider approving a Conditional Use Permit for the operation of a fitness studio at 7731 Clayton Road to be known as Clayton Pilates Studio.

Melissa Clark, owner of Clayton Pilates Studio, LLC, is requesting a Conditional Use Permit to allow the operation of a 1,600 square foot fitness and Pilates Studio at the subject location formerly occupied by an antique shop. The property has a C-1 Neighborhood Commercial zoning designation. The business, known as Clayton Pilates Studio, LLC, is relocating from 8240 Forsyth Boulevard.

The studio will offer equipment classes, mat classes, private and semi-private lessons. Hours of operation will be 7:00 a.m. to 7.p.m. Monday through Saturday.

Per the City's parking requirements, six (6) off-street parking spaces are required for this use. Five (5) off-street parking spaces located behind the building are available for use by the studio. These spaces will be reserved for instructors. The applicant has indicated that 5 to 6 instructors will be present at any given time. Clients will park at the meters along Clayton Road and enter the building through the front door. Section 405.3620.17 of the Off-Street Parking and Loading Regulations permits the Board of Aldermen to modify the number of required spaces through the Conditional Use Permit process.

Trash will be stored in a shared dumpster located behind 7719 Clayton Road.

Staff is of the opinion that the proposed use will not be disruptive to surrounding properties and, because there is ample parking along Clayton Road, supports waiving the parking requirement by one space.

The Plan Commission considered this request at their May 6, 2013, meeting and voted unanimously to recommend approval.

Recommendation is to approve a Conditional Use Permit for the operation of Clayton Pilates Studio at 7731 Clayton Road.

Ms. Melissa Clark, owner, addressed the Board stating that she has been in business for eight years and is relocating due to the closing of her current building.

Mayor Sanger closed the public hearing.

Alderman Harris moved to approve Resolution No. 13-14, a Conditional Use Permit for the Clayton Pilates Studio at 7731 Clayton Road. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

PUBLIC HEARING AND ORDINANCE TO REVISE CHAPTER 410 (OVERLAY & URBAN DESIGN ZONING DISTRICTS) BY THE ADDITION OF ONE NEW ARTICLE, ESTABLISHING THE MARYLAND GATEWAY OVERLAY DISTRICT AND AN ORDINANCE TO AMEND SECTION 410.020

Mayor Sanger opened the public hearing.

City Manager Owens reported that this is a public hearing and ordinance revising Title IV (Land Use), Chapter 410 (Overlay and Urban Design Zoning Districts) of the Code of Ordinances of the City of Clayton by the addition of a new article entitled "Maryland Gateway Overlay District" that, if adopted, will establish a new overlay district.

The Maryland Gateway Overlay Zoning district will be a new article incorporated into Chapter 410 of the Zoning Ordinance which pertains to Overlay and Urban Design Districts. Requirements of the Overlay Districts are in addition to the regulations contained in other sections of the Zoning Ordinance, including the base zoning district. The proposed Maryland Gateway Overlay district 05-14-13 BOA Minutes.docx

would place a zoning overlay on those properties currently identified in the Maryland Gateway District of the Downtown Clayton Master Plan.

The Maryland Gateway District is identified in the Downtown Master Plan and encompasses properties along the north and south sides of the Maryland Avenue corridor from the western City limits, east, to just beyond the intersection of Brentwood Boulevard. The area encompassed in the Maryland Gateway Overlay Zoning District is considered a gateway to downtown which gives the opportunity for creating a memorable and representative entry to the core of the city and is adjacent to the heart of commercial and service activities in the City of Clayton.

The Maryland Gateway district is intended to maintain a walkable, pedestrian scale, human-focused corridor with changes to the streetscape to reflect the urban character of downtown. Much of this can be built upon the already-strong presence of small retail establishments on the north side of the street, which help define the street edge and serve as a transition to adjacent residential areas. The purpose is to create a lower density mixed use district that provides an iconic gateway into downtown Clayton while respecting the northern residential neighborhood and the civic uses to the south.

In order to maintain this area as "pedestrian friendly," structures must be human in scale. Building mass, density and frontage variations should create a visually attractive and inviting streetscape within the urban context. Allowable land uses should serve the neighboring residential properties.

The district is proposed and follows the boundaries established by the Downtown Clayton Master Plan. The district is bounded by the City limits on the west, on the north and south sides of Maryland Avenue to the properties just east of the intersection of Brentwood Boulevard.

Key components of the Maryland Gateway Overlay district include:

- Allows residential land uses in the C-1 (Neighborhood Commercial) and C-2 (General Commercial) Zoning Districts as part of a mixed use development.
- Allows vehicular drive through facilities for financial institutions as a Conditional Use.
- Requires ground floor retail/service and office uses
- Reduces front yard setbacks to maximize building sites and encourage pedestrian scale buildings in a walkable friendly atmosphere with smaller scaled buildings at street level.
- Encourage pedestrian interconnection to nearby sidewalks and other pedestrian access ways and encourages the creation of pedestrian gathering spaces.
- Establishes design guidelines and requirements for automotive drive through facilities for financial institutions and requires site plan review and approval for drive throughs.

This item was the subject of a workshop held on March 18, 2013 in which all property owners within the district and within 250 feet of the district boundaries were notified by letter. Modifications to the document were made based on the input received at the workshop.

A public hearing was held in front of the Plan Commission on April 15, 2013. At that hearing, the Plan Commission recommended some clarifying revisions and voted to unanimously approve the draft ordinance.

This item has been the subject of continuing discussion with staff, interested property owners and the City's legal counsel. It is important to note that there are properties in the proposed gateway district that already fall within existing overlay districts and also have an approved Special Development District (SDD) or Planned Unit Development (PUD) zoning designation. Both

designations allow a property owner to enjoy flexible development rights while providing a stated public benefit. Both are unique zoning districts, tailored to the specific features of the land and development thereon, and are established by ordinance, as a result of the initiation of an application for such designation, taken by the property (as opposed to City initiated). Although these zoning districts are amendable, the process for amendment is usually initiated by the property owner, such as when redevelopment is planned.

The City's attorney has advised that these PUD and SDD properties should either be removed from the proposed Maryland Gateway overlay district or exemption language should be added to the proposed overlay district which sets forth the ability for the development regulations approved as part of the SDD or PUD to prevail in the case of a conflict with the proposed gateway overlay regulations.

Given this information, staff recommends additional language changes to the proposed overlay to recognize the development rights already established for properties with the SDD designation (specifically, 8100, 8118 and 8182 Maryland Avenue). Staff further recommends that the property addressed as 8025 Maryland Avenue (a PUD) and the property addressed as 24 N. Brentwood Boulevard (already located in the Downtown Overlay District) be removed from the proposed Maryland Gateway Overlay District. In effect, this would cause a change to the proposed eastern boundary of the overlay district, relocating it to the centerline of Brentwood Boulevard.

Alderman Harris introduced Bill No. 6391, an ordinance to consider an amendment to Title IV "Land Use", Chapter 410 (Overlay and Urban Design Zoning Districts) and Bill No. 6392, to consider an amendment to Title IV "Land Use", Chapter 410, Article 1, Section 410.020 "Districts" to be read for the first time by title only. Alderman Maddox-Dallas seconded.

Alderman Garnholz stated that she was glad to see the boundary changes. She said that upon reflecting about this issue she feels that there is something about drive-throughs that is not very appealing, particularly stand-alone drive-throughs if we are trying to create a pedestrian friendly environment and streetscape. In conversation with Alderman Harris, she had mentioned Pulaski Bank located on Carondelet Plaza (The Crescent), that has a drive-through that she feels is perfect. She believes that banks have a place in pedestrian streetscape and suggested that drive-throughs could be allowed only as a part of a mixed-use development, such as the case of Pulaski Bank. She commented that it is a perfect integration of a bank and a drive-through into a mixed-use development and encourages the Board to consider the concept in the proposed overlay district.

Alderman Harris stated that she too had the same thoughts and questions and also asked if was a way to encourage entrances from side streets and to also require that drive-through banks to be part of a mixed-use development. She said that mixed-use developments are part of the Downtown Master Plan update and this would be a great way to motivate this issue. She said that in hearing from Susan Istenes earlier, Susan had stated that it is worth considering.

Alderman Maddox-Dallas stated that she agrees with both Aldermen Garnholz and Harris.

Alderman Winings stated that he would be interested in further discussion, especially in hearing any public comments from anyone in the audience tonight. He said that he would rather not vote tonight on this issue.

Alderman Berger agrees with postponing the vote for the purpose of exploring some of the topics that have already come forward. He said that they really need to debate, "what is drive-through and what could be" and he feels there are a lot of options that he is not aware of and wants to see about the possibilities.

Alderman Boulton stated that she agrees with Alderman Winings and would very much like to hear from the public tonight.

City Manager Owens received a statement (attached) from Mr. Michael Staenberg to be read into the record: "Unfortunately, due to my travel schedule, I cannot make the meeting tonight. If possible, can you read the following into the record since I will not be there?"

"We have reviewed the proposed redevelopment ideas. We are against having drive-thrus along Maryland, especially in this area.

We are also opposed to any non-retail (does not generate retail sales) in this area. If there are other types of businesses going in there that would generate retail sales and needed a drive—thru we might reconsider. We believe the character of the neighborhood needs additional retail and applaud what is going on with Desco. We feel Clayton needs additional retail to become a very vibrant area.

If you need someone there to read into record, please advise as soon as possible. Darren Ridenhour, the project and asset manager, for the Maryland buildings can be there to represent the partnership.

Again, I'm happy to answer any questions or meet with anyone. Thank you for your consideration."

Alderman Harris stated that she is interested in the historic character of the north side you are of Maryland and maintaining the look and protecting the façade which she feels creates so much and you will charm along that block.

Mayor Sanger stated that they need to talk about the whole Gateway District and clarified that Alderman Harris was referring to the particular block of Maryland.

Mr. Gary Feder, Attorney, Husch Blackwell (190 Carondelet Plaza), Clayton resident, addressed the Board stating that he is representing 5th Third Bank who is interested in applying for a Conditional Use Permit for a site located on Maryland Avenue. He pointed out that it has been one year since 5th Third Bank has expressed interest in the site.

Mr. Feder expressed that his experience with a Conditional Use Permit is that it is a very appropriate place to apply conditions and to negotiate between the City and an applicant whether a use is appropriate or not. He stated that he continues to have some concerns that his client cannot file an application.

Mr. Feder commented that while he feels the debate is worthy, he thinks that the City is trying to place most of the limitations on the front end by determining what type of facility can even apply for a Conditional Use Permit. He said that since it is a financial institution that is interested the City may be placing the emphasis to some degree in the "wrong place." He feels that the City should allow a financial institution with a drive-through to apply for a Conditional Use Permit and then apply the very broad standards that the City has to determine what condition should be applied. He commented that tonight he is hearing discussions about narrowing down what kind of drive-through is permitted and this seems to him to be narrowing the focus.

Mr. Feder commented that he is all for good planning, but also for not turning off businesses that want to locate in the City. He said that in the case of 5th Third Bank, that business realities and the contract realities will only go so far before the applicant will go somewhere else. He said that if that's the City's pleasure than he understands that and the City will have to do what they think is

right. He urged that the Board allow the applicant to come forward with an application, but unfortunately he feels this will not be the case.

Mayor Sanger stated that he thinks it is clear that the Board is not prepared to move forward until they have a better understanding of all the aspects. He reminded everyone that for him personally, the issue came to the Plan Commission after he had stepped down, than it came to the Board before he became mayor and since that time he has not been able to get any input on this issue. He urges the patience on the part of Mr. Feder's client or any other who is interested on either of the proposed properties. He stated that we will go forward hopefully in a steady pace to make a decision that is best for the community.

Alderman Harris moved to table Bill No. 6391 and Bill No. 6392 and continuing the public hearing until the next Board meeting scheduled May 28th. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

<u>ORDINANCE – AUTHORIZING EXECUTION OF A CONTRACT WITH ICS CONSTRUCTION</u> SERVICES, LTD. FOR THE ENTERPRISE HOLDINGS PAVILION

City Manager Owens reported that this is the results of a bid for the construction of the Enterprise Holdings Pavilion. The City had previously received initial rounds of bids which came in over budget. Modifications were made to the designs and went back out to the market to bid and received several competitive bids and recommend the award to approve an ordinance authorizing a contract with ICS Construction Services, LTD in the amount of Six Hundred Forty-nine Thousand Dollars (\$649,000.00) plus a contingency of Twenty-five Thousand Dollars (\$25,000) for the Enterprise Holdings Pavilion in Shaw Park Project.

City Manager Owens reminded the Board that this is in partnership with the Clayton Century Foundation and Enterprise Holdings, who had made a gift for the project.

Alderman Harris introduced Bill No. 6393, an ordinance to consider approving a contract for the Enterprise Holdings, Inc. Pavilion to be read for the first time by title only. Alderman Maddox-Dallas seconded.

In response to Mayor Sanger's question, Patty DeForrest clarified that the contract (page C-2) has an error that states \$653,000 for the project. The error will be corrected to read \$649,000 with a contingency of \$25,000 before it is executed.

In response to Alderman Berger's question, Patty DeForrest stated that the design has not substantially changed from the original renderings and that she would provide the Board with copies of the renderings.

Ms. DeForrest clarified that the changes made for the most part were changes in the materials, but not in the design - removal of some of the expensive stone work; removal of the green roof on the restroom; and removal of the \$50,000 sustainability sites initiative. She offered to provide a detailed list of the items that had been changed.

With regard to maintenance costs, Ms. DeForrest explained that they have estimated that the utilities will be approximately \$3,000 per year. The actual ongoing maintenance of the site will be less than the previous site due to the issue of replacing the temporary tent every six years at a cost

of close to \$12,000. The proposed permanent structure will last approximately 50 years which is also what was required in the agreement.

In response to Mayor Sanger's question, Patty DeForrest stated that the original design has gone before the Architectural Review Board, but the revision was approved administratively since there weren't any substantial changes.

Ms. DeForrest noted that the contractor, Mr. Hill of ICS Construction, was present in the audience if the Board had any questions.

City Attorney Heinz reads Bill No. 6393, an ordinance approving a contract with ICS Construction Services, Ltd. for the Enterprise Holdings Pavilion in Shaw Park project for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6393, an ordinance to consider approving a contract for the Enterprise Holdings, Inc. Pavilion to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney Heinz reads Bill No. 6393 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6269 of the City of Clayton.

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE ST. LOUIS ARTISTS' GUILD'S LEASE FOR PROPERTY AT OAK KNOLL PARK

City Manager Owens reported that this is an ordinance to approve an amendment to the lease of property at Oak Knoll Park to the St. Louis Artists' Guild.

In the past several years there have been a number of issues which have arisen in regard to the St. Louis Artists' Guild's lease and occupancy of property in Oak Knoll Park which, while not individually noteworthy or out of the ordinary in terms of landlord-tenant experiences, have lead both parties to consider whether some changes to the lease arrangements might be in order.

The proposed lease amendment has been approved by the Guild and provides for termination of the lease at the end of this calendar year, on December 31, 2013. This will allow the Guild to focus on its future and also gives the City the ability to plan for future use of the park property at a date certain.

Recommendation is to approve the ordinance for an amendment to the lease for the St. Louis Artists' Guild.

Alderman Harris introduced Bill No. 6394, an ordinance to consider an amendment to the lease of property at Oak Knoll Park to the St. Louis Artists' Guild to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney Heinz reads Bill No. 6394, an ordinance approving an amendment to the St. Louis Artists' Guild's lease of property in Oak Knoll Park for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6394, an ordinance to consider an amendment to the lease of property at Oak Knoll Park to the St. Louis Artists' Guild to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney Heinz reads Bill No. 6394 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6270 of the City of Clayton.

Other

Alderman Harris reported that in light of the recent tragedy regarding sweat shops there is a national trend for governmental bodies of all types, state, local, and federal to consider taking action so that they are not spending the community's tax dollars on sweat shop produced materials. She referenced the garment factory tragedy in Bangladesh that resulted in the deaths of over 1,000 workers. She said that sweat shops is a women's issue, child labor issue and upon researching she discovered that there are over 250 million children worldwide are working in these types of unsafe environments. The workers are often abused and mistreated and the garment factories have dramatically impacted our own domestic garment trade in the U.S. She has learned that governments can make a big impact and by banding together with many municipalities, counties, states and considering a "sweat-free" ordinance or resolution this could make a difference. She urges the Board to consider this initiative. She said that St. Louis City, St. Louis County, and University City all have "sweat free" ordinances or a resolution. She is asking that the staff draft an ordinance to be considered by the Board.

Mayor Sanger suggested that before an ordinance is drafted if there could be some information gathered and reviewed. He is concerned from what he understands is that contracts are given to companies who had subcontracted to the Bangladesh company without anyone's knowledge.

Alderman Berger stated that he worked in the "cut-and-sew" industry for 20 years and the company eventually went out of business. The issue around labor and its costs is difficult to assess based upon U.S. standards. The cost of sewing a scrub uniform as seen in every hospital in the U.S. was being produced by the company that he worked for at approximately \$10.50/hour, but in Costa Rica it was being produced for \$2.50/hour, and in India it was being produced for \$.25 per hour, different economies have different scales. Every Nike soccer ball made in the 20th Century was made with youth labor in Southeast Asia. This is a big issue that he doesn't think that the City of Clayton should spend a great deal of time on, because this is a national issue around what we are doing internationally in our trade and that is what we would hope would not occur again. He assures the Board that this topic is enormous, because it is very hard to uncover. All of the things, the tragedy, have been repeated more often than not in terms of treatment of people who are almost enslaved. He is very sensitive to that because it is against everything that he believes. Although he is not opposed to the issue, he is a staunch advocate of having fairness, whether it's in the U.S. or in the World.

Alderman Maddox-Dallas commented that she would like to look into it because the Board in the past years has established some leadership in the area of making a difference in grass roots efforts. She said that a lot of scale change was created by small groups coming together.

Mayor Sanger suggests that staff research the issue and bring it back to the Board for discussion.

Alderman Winings reported that the Clayton Century Foundation's Board met on April 24. During the meeting SWT gave a presentation on the Shaw Park Overlay project. The next steps are creating cost estimates and modules, to be broken out so that the project could potentially be done in phases. There will be a public session on May 23rd and then eventually they will come before the Board for approval. The dog park construction is in the works, membership sales were good, scheduled opening is June 1st. There is continued work on the walking trails and former Mayor Linda Goldstein was elected to a three-year term on the CCF Board of Directors.

Mayor Sanger encouraged everyone to attend the meeting on May 23 because the draft proposal could possibly be a dramatic change to the park.

Alderman Boulton reported that she and Alderman Winings attended the Non-Uniformed Employees Retirement Fund Board meeting. She reported that they will be changing out one of the fund managers to two different fund managers.

Alderman Berger reported that he attended the Uniformed Employees Retirement Fund Board meeting. The issue they are focusing on in the immediate term is the rate of return as a policy target. Presently they are at 7% and whether that is attainable when 30 % of investments are in fixed "vehicles" which requires than the other 70 percent to be significantly above 10% on an annual basis in order to achieve the 7% return which may be a policy issue that may occur. This issue was also raised at the Missouri Association of Public Employer Retirement System Annual meeting last summer, because everyone is faced with the issue about return.

Alderman Berger reported that he and Alderman Winings have been involved with the Economic Development and Vibrant Downtown Action Team, an outgrowth of the Strategic Plan. One area of emphasis of the team is social media. They have been meeting on this topic and they are awaiting a project plan and budget for them to evaluate and bring back to the Action Team for their evaluation hopefully in the next couple of weeks. This is a positive, impactful step forward as they talk about social media, branding, and integrated marketing plan to market and support the businesses.

Mayor Sanger reported that he attended the Cultural Festival's Board meeting last week and the artists for the Art Fair have been selected.

Mayor Sanger reported that the Mayor's Youth Advisory Committee held a presentation for the essay winners. The winners submitted very creative and artful essays and the event was very nice.

City Manager Owens reported that the City hosted the Russian Delegation today at City Hall. The Management Team gave presentations about the City services and the group was given a tour of the Fire Department.

Alderman Berger moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Boulton seconded the motion.

Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye.

There being no further regular business the meeting was adjourned at 7:50 p.m.

	Mayor	
ATTEST:		
City Clerk		

From: Michael Staenberg [mailto:mstaenberg@tsqproperties Sent: Monday, April 15, 2013 2:34 PM To: Craig Owens; Susan M. Istenes; Linda Goldstein

Unfortunately, due to my travel schedule, I cannot make the meeting tonight. If possible, can you read the following into the record since I will not be there?

We have reviewed the proposed redevelopment ideas. We are against having drive-thrus along Maryland, especially in this area.

We are also opposed to any non-retail (does not generate retail sales) in this area. If there are other types of businesses going in there that would generate retail sales and needed a drive-thru we might reconsider. We believe the character of the neighborhood needs additional retail and applaud what is going on with Desco. We feel Clayton needs additional retail to become a very vibrant area.

If you need someone there to read it into record, please advise as soon as possible. Darren Ridenhour, the project and asset manager, for the Maryland buildings can be there to represent the partnership.

Again, I'm happy to answer any questions or meet with anyone. Thank you for your consideration.



Cc: Darren Ridenhour

Subject: Maryland Avenue - Tonight's Meeting

Michael Staenberg

2127 Innerbelt Business Center Drive, Ste. 310 St. Louis, MO 63114

314-409-5990 cell